United Nations S/PV.6659

# Security Council

Sixty-sixth year

*Provisional*

**6659**th meeting

Tuesday, 15 November 2011, 10 a.m.

New York

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| *President*: | Mr. Moraes Cabral | (Portugal) |
| *Members*: | Bosnia and Herzegovina | Mr. Barbalić |
| | Brazil | Mrs. Viotti |
| | China | Mr. Wang Min |
| | Colombia | Mr. Osorio |
| | France | Mr. Briens |
| | Gabon | Mr. Moungara Moussotsi |
| | Germany | Mr. Wittig |
| | India | Mr. Hardeep Singh Puri |
| | Lebanon | Mr. Salam |
| | Nigeria | Mrs. Ogwu |
| | Russian Federation | Mr. Churkin |
| | South Africa | Mr. Laher |
| | United Kingdom of Great Britain and Northern Ireland | Mr. Tatham |
| | United States of America | Mrs. DiCarlo |

## Agenda

The situation in Bosnia and Herzegovina

Letter dated 3 November 2011 from the Secretary-General addressed to the President of the Security Council (S/2011/682)

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11-59360 (E)

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*The meeting was called to order at 10.10 a.m.*

**Adoption of the agenda**

*The agenda was adopted.*

**The situation in Bosnia and Herzegovina**

**Letter dated 3 November 2011 from the Secretary-General addressed to the President of the Security Council (S/2011/682)**

**The President**: In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representatives of Croatia and Serbia to participate in this meeting.

Under rule 39 of the Council's provisional rules of procedure, I invite His Excellency Mr. Valentin Inzko, High Representative for Bosnia and Herzegovina, to participate in this meeting.

Under rule 39 of the Council's provisional rules of procedure, I invite His Excellency Mr. Thomas Mayr-Harting, Head of the Delegation of the European Union to the United Nations, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I wish to draw the attention of Council members to document S/2011/682, containing a letter dated 3 November 2011 from the Secretary-General, transmitting the fortieth report of the High Representative for Bosnia and Herzegovina.

I now give the floor to Mr. Inzko.

**Mr. Inzko** (*spoke in French*): I appreciate this opportunity to introduce my sixth report as High Representative for Bosnia and Herzegovina — the fortieth report of the High Representative (see S/2011/682). My briefing today is my first statement as High Representative since my duties as European Union Special Representative were assumed by the new Head of the European Union Delegation to Bosnia and Herzegovina, Mr. Peter Sørensen. We are working together in close and even friendly relations. through that collaboration, I expect us to demonstrate the international community's unity and strong support for Bosnia and Herzegovina as it pursues its aspirations to Euro-Atlantic integration, while fully ensuring that the General Framework Agreement for Peace in Bosnia and Herzegovina — the Dayton-Paris Peace Accords — are integrally respected and implemented, and that internal reforms to implement those agreements is not endangered.

(*spoke in English*)

When I spoke to the Council one year ago (see S/PV.6421), I noted with reserved optimism that, in spite of all the difficulties that Bosnia and Herzegovina was facing, the previous year had brought a number of positive developments, especially in the context of regional cooperation and reconciliation and visa-free travel to the European Union (EU). I would note that Serbian President Boris Tadić and Croatian President Ivo Josipović have continued their policies of positive engagement, and that the regional situation remains better than at any other point since the war in Bosnia and Herzegovina.

Since my last report (S/2011/283), however, Bosnia and Herzegovina itself has continued to see political stagnation and some backsliding. When I spoke to the Council in May (see S/PV.6529), I was forced to submit a special report that detailed serious violations of the Dayton Agreement by one of Bosnia and Herzegovina's two entities. Sadly, since that time and in spite of the good will of the international community, the challenges to the Dayton Agreement have continued. One of the basic reasons for those challenges lies at the core of Bosnia and Herzegovina's political culture, in which politicians show little willingness to compromise, avoiding dialogue on crucial issues and regularly misusing the system.

More than 12 months after the general elections, the State-level Council of Ministers has yet to be formed and many State institutions are under serious political, institutional and economic pressure, with a clear impact on their efficiency and functionality. A State-level budget for 2011 has yet to be passed, and the State-level institutions are struggling under temporary financing. The prospect of a budget being adopted soon for 2011, or for 2012, appears distant. The European Union and the Euro-Atlantic integration processes effectively remain blocked due to the continued adherence to narrow ethno-nationalist policies. Not surprisingly, the economy continues to suffer.

In that context, international credit-rating agencies downgraded the country's outlook, not for economic reasons but specifically citing the negative political situation in Bosnia and Herzegovina. In its

annual progress report on Bosnia and Herzegovina, the European Commission also noted the country's political problems.

During the reporting period, Republika Srpska continued its legal and political actions and sharp rhetoric that have challenged Bosnia and Herzegovina's State-level institutions, competencies and laws, and my authority under the Dayton Agreement, as well as relevant resolutions of the Security Council.

Although the 13 April adoption by the Republika Srpska National Assembly of a referendum decision was repealed on 1 June, the controversial conclusions of the same date continue to influence Republika Srpska policies in regard to both the institutions of Bosnia and Herzegovina and my Office and mandate. I should point out that the Republika Srpska repealed its referendum decision only after the direct, personal intervention of Lady Catherine Ashton, the European Union High Representative for Foreign Affairs and Security Policy.

I would like to take this opportunity to publicly thank Lady Ashton for her efforts, which enabled me to avoid the use of my executive mandate, which at this point is a process that I am keen to refrain from using whenever it is possible to resolve difficulties by other means.

In that regard and in keeping with the principle of local political ownership, during the reporting period I maintained the long-standing policy of refraining from the use of my executive mandate unless absolutely necessary, despite the ongoing political difficulties. In fact, the only case in the past six months in which I used my executive authorities was in order to lift sanctions imposed by my predecessors in connection with non-cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY). I did this following the capture and transfer to The Hague of Ratko Mladić, the last ICTY fugitive accused of crimes connected to the Bosnian war. I therefore lifted the ban, which was my only use of my executive powers over the past six months.

Unfortunately, the arrest of Mladić was not accompanied by a decline in the use of inflammatory nationalistic rhetoric, including further statements by officials of the Republika Srpska in support of State dissolution and chauvinistic comments directed against other ethnic groups. In this regard, I would like to express my deep concern about recent public statements from the Republika Srpska that challenge the statehood of Bosnia and Herzegovina by characterizing it as a "state union" — "*drzavna zajednica*" — ignoring the fact that Bosnia and Herzegovina, together with Slovenia and Croatia, was admitted as a Member State to the United Nations on 22 May 1992, through a direct and unanimous recommendation of the Security Council on 18 May of that year. These statements, which undermine the constitutional arrangements provided for under the Dayton Peace Agreement, need to be taken seriously, especially in light of other actions directly challenging the Agreement, as set out in my current and previous reports.

Some Federation officials and politicians have also used unwelcome rhetoric, as detailed in my report. The two leading Croat parties in Bosnia and Herzegovina continue to question the legality and legitimacy of the incumbent Federation Government. Some Bosniak political leaders have escalated their rhetoric in response to statements from the Republika Srpska leadership and warned of possible conflict were there an attempt to divide the country. I have long warned about the serious damage this rhetoric is doing, and I take this opportunity to again call on Bosnia and Herzegovina's leaders to contribute to fostering reconciliation, dialogue and coexistence, rather than spreading chauvinism, fear and mistrust.

Given the aforementioned negative trends and actions, it is not surprising that there has not been significant movement on the EU agenda or on NATO membership. Nor has there been any movement towards fulfilling the five objectives and two conditions necessary for the closure of my Office.

I am also deeply concerned about the situation with respect to the rule of law, as Republika Srpska regularly questions the very competences of the State-level judicial institutions, including the jurisdiction and role of the Bosnia and Herzegovina Constitutional Court itself. The authorities have also continued to undermine and question other key State-level institutions in the country. It is difficult to avoid a perception that the intention is to portray institutions as dysfunctional and therefore not needed at the State level.

This is the wrong approach. Bosnia and Herzegovina and the entities will turn a corner

decisively only when political leaders understand that the entities and State will be strong only when both levels of Government are strong; both will go from strength to strength only when they work together and the State is given the support it needs to be effective.

Difficulties have also arisen in the Federation, and 16 years after the Peace Agreement was signed there continues to be a need for my Office to step in to address large gaps in the country's legal system that create significant legal and political problems for the country. I had to intervene in July in the Central Bosnia Canton to address an attempt to ignore the Constitution and form a Government that could have raised tensions to an unacceptable level. Due to my intervention — not using my Bonn powers but in the form of a letter — the local parties have been able to resolve the situation in line with the constitution, and pave the way for the formation of Governments in other cantons and possibly even at the State level.

Given what I continue to see, there is still a clear need for my Office to remain in place in order to fill such legal gaps and maintain stability. This need will continue until such time as Bosnia and Herzegovina is self-sustainable and firmly and irreversibly on the path towards EU and NATO integration. Something similar to this approach played out in my own country, Austria, after its liberation by American, Russian, French and British soldiers in 1945. The allied forces stayed until they were sure there would be no revival of Nazism and that democracy was firmly rooted in the country.

My core mandate is to oversee the Dayton Peace Agreement. The Dayton Agreement is at its heart a peace treaty, and every day we see signs that, should it unravel, serious consequences could emerge not only for Bosnia and Herzegovina, but also for the region and the broader international community. Given the continued negative trends and political instability, it is essential that the European Union Force in Bosnia and Herzegovina, with a Chapter VII executive mandate, remain in place and continue to assist the Office of the High Representative and other international organizations to fulfil their respective mandates.

While we must now focus on the immediate difficulties, I believe that it is also important to take a critical look at what we need to do to secure a functional and viable country in the long term. It is clear that we need to support the ownership principle in Bosnia and Herzegovina. In this regard, allow me to say a few words on how I think the international community should approach Bosnia and Herzegovina in the future.

We all agree that the future of Bosnia and Herzegovina is within the European Union and Euro-Atlantic institutions. The EU and NATO therefore have an important role to play in Bosnia and Herzegovina in assisting the country to fulfil the requirements for its aspirations to membership of both organizations. It is important that Bosnia and Herzegovina remain on the international community's agenda until the job is complete. There are some who believe that it is time now to leave Bosnia and Herzegovina on its own; some talk about international fatigue in Bosnia and Herzegovina. I do not share this view, and believe that such moves would open the door to those who would attempt to weaken and eventually divide the State, and could lead to renewed disorder.

The international community has achieved tremendous results in Bosnia and Herzegovina over the past 15 years. However, it is clear from the current political situation that we have not yet achieved a lasting and sustainable political settlement that would ensure a durable prospect for peace. Our continued commitment to and focus on Bosnia and Herzegovina is the way to get to the objective that we all want to reach — a Bosnia and Herzegovina that is stable, safe and solving its problems institutionally as it moves towards full Euro-Atlantic integration. I am truly convinced that this can become a reality if we remain committed to the cause and if we finally see a fundamental change in the way politics are conducted in Bosnia and Herzegovina, with dialogue and healthy compromise becoming the rule rather than the exception.

In spite of the challenges Bosnia and Herzegovina faces today, I would like to congratulate the country on its tenure as a member of this body and for the excellent job it has done. Security Council membership has given Bosnia and Herzegovina the opportunity to make new friends around the world and gain the respect of many countries, and should be counted as a significant foreign policy success. In my personal opinion, it is the country's biggest foreign policy success since Dayton.

I would also like to thank personally Ambassador Ivan Barbalić for his dedicated work, his commitment, his professionalism and his idealism.

As we look to the future, I wish to assure the Council that I am fully committed to carrying out my mandate to the letter and ensuring that the Peace Agreement is fully respected. The way forward is not to go backwards. I am also committed to assisting Peter Sørensen in his duties as European Union Special Representative, in every way possible to advance the EU agenda. I look to the Security Council and to the Peace Implementation Council to support me fully in doing my job, in keeping with the mandate the Council has given me, and in building on a successful peace effort in the country so that we may reach the point where peace, stability and the country's Euro-Atlantic future are irreversible beyond any shadow of a doubt.

Let us work together, the entire international community, to scale the last remaining metres of the mountain to secure the peace and to secure Bosnia and Herzegovina's EU future. Together, we can do it. Together, we will succeed.

**The President**: I thank Mr. Inzko for his briefing.

I shall now give the floor to the members of the Security Council.

**Mr. Barbalić** (Bosnia and Herzegovina): At the outset, I would like to welcome Mr. Valentin Inzko, High Representative for Bosnia and Herzegovina. As indicated in his report (S/2011/682, annex), the situation in the country is still complex. However, a number of positive achievements must also be noted.

Although we have not achieved all that was planned with regard to Bosnia and Herzegovina's integration into European Union (EU), strong commitment, support and dedication to that aim exists, not only among the political leadership but also among the wider population of the country. We are dedicated to fulfilling remaining conditions to receive candidate status for European Union membership as early as possible.

Furthermore, we welcome the decision of the European Union to appoint Mr. Peter Sørensen as its Special Representative for Bosnia and Herzegovina. That decision represents a welcome consolidation of the European Union's presence in Bosnia and Herzegovina, which should result in better guidance of the reform process towards the country's accession to the European Union.

We welcome the decision of the High Representative to lift the sanctions against certain individuals from Bosnia and Herzegovina.

Unfortunately, since the holding of elections on 3 October 2010, a new Council of Ministers of Bosnia and Herzegovina has not yet been formed. However, we have established all of the country's other institutions, which are fulfilling their responsibilities.

Moreover, the Presidency of Bosnia and Herzegovina has played an important role in advancing and promoting relations with neighbouring countries and strengthening regional cooperation. The Presidency has also met important challenges with regard to foreign policy, such as extending the mandate for Bosnia and Herzegovina armed forces in the International Security Assistance Force, as well as the decision to recognize the National Transitional Council of the Libyan Republic.

Regardless of the political difficulties, we have a secure and safe environment and a positive security situation. The overall security situation in Bosnia and Herzegovina has been calm and stable for several years, as reflected in reports of the European Union Force and European Union Operation Althea, with which our armed forces have very good and productive cooperation. During the reporting period, law enforcement agencies in our country have had good cooperation with the European Union Police Mission, particularly in fighting organized crime and corruption, as well as in promoting accountability within police bodies.

Bosnia and Herzegovina has also had good cooperation with the International Criminal Tribunal for the former Yugoslavia, not only during the reporting period but for years. The State strategy for processing war crimes has contributed significantly to reconciliation in our country. Furthermore, a database on war crimes has been established, while categorization and determination as to the level — whether State or entity — at which identified war crimes cases shall be investigated and/or tried is under way. The prosecution of all those responsible in Bosnia and Herzegovina is a precondition not only for reconciliation, but for the peace and stability of our country and entire region.

The economic and social situation in the country is difficult. In our view, one of the main causes for such a situation is the world economic and financial

crisis. However, as indicated in the report, economic data for 2011 show some signs of improvement. Exports from Bosnia and Herzegovina have increased, while total industrial production rose by 7.7 per cent.

Bearing in mind the positive developments, we are convinced that there is a way to overcome the current situation, which is complex but not un-resolvable. We must build a constructive atmosphere that will foster positive political processes and a spirit of cooperation in resolving existing political issues in Bosnia and Herzegovina. At the same time, we appreciate the valuable support of the international community in realizing our goals of Euro-Atlantic integration.

**Mr. Wittig** (Germany): Let me, at the outset, thank the High Representative for Bosnia and Herzegovina for his comprehensive and informative briefing. We welcome the contribution to peace and stability in Bosnia and Herzegovina that the High Representative and his Office have made in the course of the past 16 years.

Germany aligns itself with the statement to be made later by the observer of the European Union.

I would like to offer three brief observations on the situation in Bosnia and Herzegovina.

First, the security situation in Bosnia and Herzegovina continues to be calm and stable. The European Union Force (EUFOR) and European Union Operation Althea and the preceding military operations, namely, the Multinational Military Implementation Force and the Stabilization Force, have never had to intervene to restore peace. There are no indications of violent destabilization. Looking back less than two decades, when Bosnia and Herzegovina was on the brink of violent disintegration, this positive development deserves explicit recognition.

Against that backdrop, the European Union has decided to reconfigure EUFOR and Operation Althea. The mission's main focus will be directed towards providing capacity-building and training to Bosnia and Herzegovina's armed forces so that they can themselves maintain peace and stability.

However, the continuing political paralysis gives us a reason for concern. The recent EU progress report highlighted the stalemate in the reform process. The lack of a shared vision of the political leadership on the overall direction of the country is particularly worrisome.

That brings me to my second observation, namely, what the international community can do to support Bosnia and Herzegovina's resumption of the reform process, and thus also its return to the path towards Europe. It is up to Bosnia and Herzegovina's political leaders themselves to place the well-being of their county as a whole, and that of all of its citizens, at the top of their agendas, to form a new State-level Government as a matter of urgency and to tackle the outstanding reform projects. That should happen without further delay. Since Dayton, however, the international community has often ended up rectifying shortcomings in the domestic political processes. That cannot continue.

Given Bosnia and Herzegovina's history, close monitoring and far-reaching supervision by the international community have undoubtedly been necessary in the past. But that approach has not succeeded in creating incentives for local politicians to choose the route of compromise over advancing their nationalist agendas. In fact, the international community's approach at times serves as an impediment to political leaders' accountability to their electorates and to their assumption of ownership of the reform process.

We should not continue that way. Our focus should be on employing instruments that are better suited to initiate positive developments. Obsolete approaches should be discontinued. Decoupling the High Representative and the EU Special Representative and endowing the latter with a sound mandate was an important step. Further steps must follow. The European Union and Bosnia and Herzegovina's EU perspective should become the only game in town. That will include the continued reconfiguration of EUFOR and Operation Althea. In addition, we are of the view that the Office of the High Representative should be downsized and relocated abroad. Its staff levels should be commensurate with its remaining tasks.

Thirdly, in order to save the footprint of the Office of the High Representative in stabilizing Bosnia and Herzegovina, a sustainable and comprehensive answer to the question of immunity from legal proceedings for present and former staff of the Office has to be found. We intend to initiate a more thorough

discussion on the issue and to invite members to participate.

Let me conclude by emphasizing that we fully support the extension of the mandate of EUFOR and Operation Althea for another year, to be decided by the Security Council tomorrow. The mission provides an important contribution to the implementation of the Peace Agreement in Bosnia and Herzegovina. It epitomizes our joint commitment to the peaceful, democratic and prosperous future of Bosnia and Herzegovina and its people. Such a Bosnia and Herzegovina, willing and able to conduct the EU accession process on its own strength, is the best guarantee for peaceful development in the region. Germany will continue to support all efforts to advance that goal.

**Mr. Briens** (France) (*spoke in French*): I would like to begin by thanking Mr. Inzko, High Representative for Bosnia and Herzegovina, for his presence and for the report that he has just presented to the Council (S/2011/682, annex). I also take this opportunity to welcome the contribution of the representative of Bosnia and Herzegovina to the Council's work. Lastly, I associate myself with the statement to be made by the head of the delegation of the European Union a little later.

We are preparing to renew for a year the mandate of the activity of the European Union Force in Bosnia and Herzegovina (EUFOR) and Operation Althea in a political context weighted with uncertainty for Bosnia and Herzegovina.

The security situation has been calm and stable for several years. That is attributable to the Bosnians themselves and their institutions. The arrest of Ratko Mladić, on 26 May, and of Goran Hadzić, on 20 July, and their immediate transfer to The Hague to be tried, constitute a positive development that ends a phase. All those sought by the International Criminal Tribunal for the Former Yugoslavia have now been arrested. I note that those arrests did not lead to any significant reaction on the ground.

However, for more than a year now, since the elections of October 2010, the country has been unable to form a new central Government. The outgoing Council of Ministers manages day-to-day matters and the budget operates on a temporary basis. That lack of Government is starting to have a significant negative impact on the economy and delays reforms towards the European path.

We therefore call on all Bosnian leaders to rapidly find the necessary compromises to establish a central Government and return to the reform process, beginning by calibrating the Constitution with the European Convention on Human Rights. Not to do so would mean Bosnia and Herzegovina turning its back on any European prospect, while all States of the region, one after the other, are taking this opportunity to prepare themselves, each at its own pace, to rejoin the European family one day.

That requires, first and foremost, the resumption of political dialogue and, on the other hand, an end to resorting to nationalist rhetoric, which today is still too common. It goes as far as denying the legitimacy of the State of Bosnia and Herzegovina, a Member of the United Nations and the Security Council, or attacking the legality of the decisions of the High Representative. The latter means that the staff of the Office of the High Representative must enjoy sufficient immunity guarantees.

Apart from words, there are deeds. In that regard, France remains very concerned and warns Bosnian leaders against any initiative that contravenes the Dayton-Paris Peace Agreement and that would threaten the stability and integrity of the country. More generally, France again calls on the leaders of Bosnia and Herzegovina to return to dialogue, overcome their divisions and work towards consolidating a functioning State that upholds democratic principles. They must shoulder the primary responsibility. They were elected by Bosnian voters to that end.

In that context, I would also like to reaffirm my country's commitment to the independence, unity and territorial integrity of Bosnia and Herzegovina. The High Representative, keeper of the peace accords on behalf of the international community, and his action and dialogue with Bosnian political representatives has our full support.

In that regard, I wish to particularly note the increased commitment of the European Union to Bosnia and Herzegovina. Last spring, the European Union agreed an intensified approach for Bosnia and Herzegovina, and its presence on the ground has thus been strengthened. A new European Union Special Representative and delegate, Mr. Sørensen, assumed his duties a few months ago to help support the country

in its consolidation process and reforms. Mr. Sørensen has our full support. Furthermore, as the Ministers for Foreign Affairs of the European Union decided on 10 October, EUFOR and Operation Althea will be restructured so as to again focus on training and advising the Bosnian armed forces, while maintaining the means to handle, if necessary, executive tasks in support of the work of the Bosnian authorities.

In order to improve the effectiveness of our action, we owe it to Bosnia and Herzegovina to consistently work to adapt our presence to the situation on the ground, be it the civilian or military presence of the European Union or the restructuring of the Office of the High Representative. France will fully participate in those efforts.

**Mr. Moungara Moussotsi** (Gabon) (*spoke in French*): We, too, would like to thank Mr. Valentin Inzko, High Representative for Bosnia and Herzegovina, for the comprehensive presentation of his report (S/2011/682, annex). We congratulate him and his team for their sustained efforts for lasting peace and stability in Bosnia and Herzegovina in the context of implementing the Dayton Peace Agreement and the reforms so necessary to that country's integration within the European Union.

Gabon continues to support the unwavering commitment of the international community to the building of a Bosnia and Herzegovina founded on the rule of law and supported by stable and lasting institutions. The Dayton Agreement, whose implementation we strongly supported, is the basis for the entire political process in the country. We would like to make some remarks on security and political aspects.

With regard to security, we welcome the central role that the European Union Force in Bosnia and Herzegovina (EUFOR) continues to play in ensuring a stable environment in Bosnia and Herzegovina. Its presence and numerous actions of the ground are very commendable despite the increasingly difficult political and security situation.

The political climate remains strongly affected by the inability of the main political parties to have a shared vision, making it possible to form a federal Government. We are concerned about that political stalemate, itself exacerbated by the nationalist rhetoric that hampers the normal functioning of institutions and prevents the federal State from assuming its governmental duties. Gabon deplores that situation and urges all parties to dialogue and to tolerance. We also call for constructive dialogue in favour of national reconciliation.

Gabon welcomes the cooperation between EUFOR and the other international organizations in implementing the United Nations mandate in Bosnia and Herzegovina. We urge the international community to maintain its commitment and to increase its assistance to the parties in order to achieve the five objectives and to meet the two conditions set by the Council for implementing peace, in accordance with the Dayton Agreement.

However, we remain convinced that the task of building a stable and prosperous Bosnia and Herzegovina is the primary responsibility of the Bosnians themselves. We therefore call upon them to strengthen their cooperation with the High Representative for Bosnia and Herzegovina, NATO, the International Criminal Tribunal for the former Yugoslavia, and EUFOR, the renewal of whose mandate, once again, we support. Likewise, we would call upon the international community to intensify its support for the various parties in order to encourage them to implement the five objectives and the two conditions under to the Dayton Agreement.

Gabon will continue to support the efforts of Bosnia and Herzegovina to move towards unity and stability.

**Mrs. Ogwu** (Nigeria): I would also like to join others in thanking Mr. Valentin Inzko, the High Representative for Bosnia and Herzegovina, for his very succinct briefing. We appreciate very much his contributions to the efforts to consolidate peace and stability in Bosnia and Herzegovina and, indeed, in the entire region.

Nigeria welcomes the positive developments in Bosnia and Herzegovina during the reporting period. Despite persistent political challenges, the Federation Government continues to function effectively. The dexterity with which General Ratko Mladic was arrested and subsequently transferred to the International Criminal Tribunal for the Former Yugoslavia is indeed an affirmation that with profound commitment residual issues can be resolved amicably.

We are, however, concerned by the continued attacks against Bosnia and Herzegovina's State-level

institutions, competencies and laws, as well as against the authority of the High Representative under the General Framework Agreement for Peace. Indeed, the sustained use of inflammatory nationalistic rhetoric not only fuels mistrust; it also constrains the implementation of the mandates of both the High Representative and the Peace Implementation Council Steering Board.

This prevalent political climate compels national leaders to exercise restraint and refrain from divisive and anti-Dayton rhetoric. They should demonstrate the political will that is so necessary to the promotion of conciliation, peace and development in the country and in the region. They should also commit to dialogue and show flexibility and compromise in resolving their many differences.

We are pleased with the momentum generated by the commencement of negotiations on Government formation and the adoption of the reforms that are necessary in order to fast track European Union and NATO membership. This momentum should spur further progress, not only on the implementation of constitutional reforms, but especially on outstanding items from the five objectives and two conditions necessary for the closure of the Office of the High Representative.

In the first six months of this year, economic indicators pointed to signs of progress. That, we believe, is a welcome development. To consolidate those gains, efforts must be made to address the stalemate in the 2011 budget, the growing unemployment rates and the decreasing foreign direct investment figures. The formation of a new Council of Ministers would undoubtedly boost confidence in the system.

While the main responsibility for making progress and achieving economic success in the country lies with the Government and the people of Bosnia and Herzegovina, international support must remain steadfast and unrelenting. In that connection, we welcome the role of the European Union Force, which, in collaboration with the Bosnia and Herzegovina armed forces, is helping to foster security and stability. We also welcome the engagement of the European Union and NATO in the country.

I want to take this opportunity to reiterate my country's strong support and respect for the sovereignty and territorial integrity of Bosnia and Herzegovina. We believe that it is only when all parties commit to and take practical steps towards the consolidation of peace that the challenges of nation-building in the country can be overcome. The supportive role of the Security Council in attaining lasting peace, security and stability in the country cannot be overemphasized. I believe that we must seize every moment to make that peace realizable.

**Mrs. Viotti** (Brazil): I thank the High Representative for Bosnia and Herzegovina, Mr. Valentin Inzko, for his informative briefing and for the report before us (see S/2011/682). We welcome his work and his contribution to peace and stability in Bosnia and Herzegovina.

Brazil is firmly committed to the sovereignty and territorial integrity of Bosnia and Herzegovina. We support all efforts to strengthen the State at the national level while preserving the rights and prerogatives of all communal entities. Respect for the international and legal frameworks for the division of power is key to stability.

We welcome the positive developments during the reporting period. We encourage further efforts towards the consolidation of institutions. Priority should be given to reconciling different views and establishing a fully functioning State-level Government. We join previous speakers in expressing concern at statements and measures by the entities that question the territorial integrity of Bosnia and Herzegovina. Challenges to the Dayton Peace Agreement and its institutional arrangements, as well as divisive rhetoric, should be avoided. We hope that the dialogue among the stakeholders can move decisively away from such statements and towards constructive suggestions on the way forward. In that regard, we call on all actors to respect the authority of and cooperate with the High Representative.

We are encouraged by the initiation of talks between party leaders on Government formation and reforms. We encourage further efforts to consolidate such talks and achieve inclusive participation. We are also pleased that the situation in Bosnia and Herzegovina has remained calm despite confrontations and rhetoric. We fully support the renewal of the Security Council's authorization for European Union Force.

A divided leadership in Bosnia and Herzegovina can only bring more difficulties to the well-being of its

populations. We encourage all parties to put differences aside and work towards a solution that strengthens Bosnia and Herzegovina. The country should continue to be supported in its pursuit of political stability and socio-economic development. We remain convinced that, with international support, the Bosnian people will succeed in reaching that goal.

In concluding, let me associate myself with the remarks made by Mr. Inzko on the very positive impact of Bosnia and Herzegovina's Security Council membership and on the quality of the work and the contribution being made by Ambassador Ivan Barbalić and his team to the work of the Council.

**Mr. Osorio** (Colombia) (*spoke in Spanish*): Colombia would like to thank the High Representative for Bosnia and Herzegovina, Mr. Valentin Inzko, for the presentation of his report (see S/2011/682) and for the dedication and commitment that he shows to his mission. We would also like to join the voices of thanks for the serious and able contribution of Ambassador Ivan Barbalić and his delegation to the work of the Security Council.

Today, we are again considering the situation and future possibilities for Bosnia and Herzegovina. The report submitted to the Council (see S/2011/682) alerts us to important matters still to be dealt with, but it also points out that the people of the country, in the midst of great challenges, are enjoying stability and have great hopes for their future. The report states that,

> "In spite of tensions and controversy surrounding its formation, the Federation Government has functioned well during the reporting period." (S/2011/682, p. 4)

This is an achievement that we must protect in order to avoid situations that affect the country's security and that of the region. That is why Colombia feels that it is important to maintain that friendly spirit of unity, encouraging the parties involved to avoid using nationalistic and inflammatory rhetoric. We call for the strengthening of dialogue in order to solve differences and thus consolidate a process that includes many years of effort and commitment on the part of the international community. We hope that progress will continue to be made in strengthening Government institutions and administering justice. The United Nations can play a fundamental role in supporting national institutions. Like the European Union, it has a responsibility to collaborate in the reform process and to engage politically with that great region.

If local authorities and the people of Bosnia and Herzegovina show commitment, the resulting increased governability will lead to realizing the objectives of the Dayton Peace Agreement with regard to development and peace. Bosnia and Herzegovina has natural allies in Europe. That friendship also extends to other parts of the world. At the same time, conversely, Bosnia and Herzegovina has played and can play an important role in peacebuilding in other countries around the world, which in turn binds the international community to help them with their well-being and development. This is an apt occasion to welcome the appointment of the European Union Head of Delegation in Bosnia and Herzegovina, Mr. Peter Sørensen, and we express our willingness to cooperate with him to the best of our ability.

We would like to reiterate our support for the Dayton Agreement in the establishment of Bosnia and Herzegovina, as well as the decisions arising from it. We stress the importance of the strict implementation of the Agreement in accordance with its annex 10 and of cooperating with the High Representative for Bosnia and Herzegovina, Mr. Inzko, and we call on all actors to scrupulously fulfil their commitments as stipulated in the Agreement.

Meanwhile, if the objectives and conditions for closing the Office of the High Representative are not fulfilled — such as an agreement on the distribution of State property, the issue of the military property registry and the special status of the district of Brcko, among others — we believe that that Office should continue its work in implementing the Agreement, in fostering good inter-ethnic relations and in creating a political climate conducive to the better functioning of institutions that fully represent the various regions and give equal rights to all citizens. That is tied to the presence of the European Union-led peacekeeping force Althea, the continuation of whose mandate we deem necessary.

**Mr. Salam** (Lebanon) (*spoke in Arabic*): We thank Mr. Inzko, the High Representative for Bosnia and Herzegovina, for his briefing and for his report (S/2011/682, annex). We welcome the stability in the security situation in Bosnia and Herzegovina and the regional cooperation with neighbouring States. We hope that the upcoming efforts will lead to the

formation of a representative Government that provides momentum to a number of necessary constitutional and economic reforms and that will positively affect the political climate and economic stability of the country. The establishment of a new Government will also hopefully have a positive effect on Bosnia and Herzegovina's efforts to fulfil the conditions and objectives established by the Peace Implementation Council Steering Board. We hope that will happen soon and will ultimately lead to the closure of the Office of the High Representative.

While it is important to find common solutions for the various issues between the local parties, with great care and mutual respect for the common interests of the various groups, it is also important that that takes place within the legal framework established by the Dayton Peace Agreement and the country's Constitution. Therefore we hope that the parties refrain from taking steps outside that legal framework. In fact, the creation of national institutions and strong representative structures will be beneficial to all citizens of all groups and identities.

In this context, I would like to mention and commend the concept paper prepared by the delegation of Bosnia and Herzegovina when they held the presidency of the Council, which indicated that the creation of solid institutions, if carried out appropriately, would help re-establish and reaffirm the pillars of security, legitimacy, accountability and efficiency, and thus peace will bring dividends. It is also important for political leaders to avoid divisive and strident rhetoric, which is an obstacle to dialogue and reconciliation, both of which are important for the creation of sustainable peace.

The political leaders are capable of playing an effective role in negotiating controversial issues and offering mutual compromises to reach solutions that will be satisfactory to all parties. That approach, although difficult, is important and indispensable in diverse societies and it is important that local parties and actors play a principal role in such settlements.

In another context, we commend the role of the Serbian Government in arresting General Ratko Mladic. We hope that bringing him to justice will be a further step towards holding all perpetrators accountable, as a firm pillar in restoring justice, in consolidating reconciliation and in the creation of a sustainable peace in the West Balkan area.

In conclusion, we reaffirm our support for the independence of Bosnia and Herzegovina, its sovereignty and territorial integrity, and we hope that it will qualitatively progress towards a peaceful and prosperous future, as its citizens deserve.

**Mr. Churkin** (Russian Federation) (*spoke in Russian*): Unfortunately, we have no choice but to recognize that High Representative Inzko's analysis of the situation in Bosnia and Herzegovina can hardly be called objective. His report (S/2011/682, annex) again reflects considerable prejudice against the Bosnian Serb leadership. In order to gain a more balanced idea of the events taking place in Bosnia, we recommend that members of the Council also read the letter from the President of the Republika Srpska, Mr. Dodik, to the Secretary-General on 10 November, and the sixth report of the Republika Srpska to the Security Council.

The report of the High Representative creates the impression of destabilization in the internal political situation in Bosnia and Herzegovina, which in fact runs counter to the agreed provisions of the draft resolution on the extension of the EUFOR mandate. The primary threat to the functioning of the Bosnian State — according to the High Representative, who does not offer proof — is the Republika Srpska and the actions of its leadership, which is accused of violating certain paragraphs of the Dayton Agreement. Such a characterization of the actions taken by the Bosnian Serbs is never mentioned in any communiqué of the Peace Implementation Council Steering Board. Otherwise, it would have stirred a swift response from the High Representative himself, which did not in fact happen.

Russia has noted on numerous occasions a lack of proof regarding alleged violations of the Dayton Agreement in the activities noted in the report, in particular in connection with legislative measures on State property, reform of the justice system and the use of legal machinery to clarify the mandate of the High Representative. Accusations about the provocative rhetoric of the leader of the Republika Srpska do not take into account his public commitment to the territorial integrity and sovereignty of Bosnia and Herzegovina. Furthermore, there have been threats of the use of force against Republika Srpska by Bosnian political and State actors. As far as violations of the Dayton Agreement and actions that threaten the functioning of the State of Bosnia and Herzegovina are concerned, such violations are more likely to be found

in the hostile statements of the Bosnian leaders, and should evoke a response from the international community.

A typical example of his approach is the mention in the High Representative's report of the removal of the flags of Bosnia and Herzegovina in front of the Government buildings of the Republika Srpska in Banja Luka. Yet no mention is made of the many cases of the exclusion of Serbian symbols in State and cantonal entities of the Bosnia and Herzegovina Federation, nor of incidents where writing in Cyrillic was erased from road signs in Bosnia and Herzegovina.

The intervention of the High Representative in areas outside his Dayton mandate also raises questions, in particular in matters of budget and tax collection. We believe that the use of his extraordinary powers in January by the High Representative to adopt the budget of the Bosnia and Herzegovina was unjustified and set back the search for compromise among the peoples of the State.

Worthy of note was the episode involving the so-called crisis in the judicial and constitutional system of Bosnia and Herzegovina. The compromise reached between the leaders of the Republika Srpska and the European Union Directorate-General for External Relations and the resulting beginning of a structured dialogue under the aegis of the European Union highlight the unjustified and counter-productive nature of the use of coercive measures with respect to the Bosnian parties and underline the effectiveness of decisions reached through dialogue. In his report, however, the High Representative was critical, interpreting the situation from a deliberately negative point of view as one that was getting worse.

We are surprised at the segment of the report dealing with Croatia. The accusations levelled at the main Croatian parties by the High Representative are absurd, in particular as he contributed to the near-exclusion of those parties in the formation of the leading Government bodies of Bosnia and Herzegovina. The patronizing tone of the High Representative is unacceptable with respect to the process of forming the new Council of Ministers based on last year's general elections. At the most recent meeting of the Peace Implementation Council Steering Board, held on 6 and 7 July, all international participants in the settlement recommended that Mr. Inzko refrain from intervening in that process.

Also of concern is the High Representative's categorical claim regarding the impossibility of positively resolving the issue of eliminating the post of the Brcko District Supervisor. Like many of its partners on the Steering Board, Russia believes that all substantive issues in that regard have been solved. The High Representative's imposition of additional conditions runs counter to the agreed provisions detailed in the outcome communiqués of the Steering Board's meetings on 30 March and 7 July.

At the same time, the High Representative makes no reference to a number of positive processes in Bosnia and Herzegovina. The substantive agreement between Dodik and Lagumdzija on the financing programme under the instrument for pre-accession assistance in the framework of the EU allowed for a break in the stalemate and paved the way for a disbursement of €96 million. Since October, Bosnians and Croatians have been working diligently to reach an agreement on the establishment of Government bodies in the cantons of the Bosnia and Herzegovina Federation.

All of those positive elements attest to the ability of the parties to agree and find a compromise, precisely without international pressure or intervention. It would seem that the bureaucracy of the Office of the High Representative is deliberately drawing attention in the report to the negative quantitative aspects of the situation in Bosnia and Herzegovina, while ignoring the qualitative progress made by the various Bosnian parties in finding common ground. In doing so, the High Representative seeks to validate the continued existence of his Office.

Along those lines, we continue to believe that an important task for the international community at the current stage of the Bosnian settlement is the transfer of responsibility for the future of the country to Bosnians themselves. In practical terms, that means abolishing the Office of the High Representative for Bosnia and Herzegovina and implementing the agreements established by the Peace Implementation Council Steering Board and the 5+2 formula.

In view of the continuing negotiations of EU member States on the future of the Office of the High Representative, we once again to express our serious concern at the planned gradual closure, including the idea of transferring the Office outside the borders of Bosnia.

We note the decoupling of the post of the European Union Special Representative from the Office of the High Representative, as well as the appointment of Mr. Sørensen. We are convinced that a sine qua non condition for success in the work of those two international presences in Bosnia and Herzegovina is strict compliance with their mandate. We believe that their respective responsibilities should not overlap. We are convinced that any decision critical to the country's future should be taken by the Bosnian people themselves, with broad agreement among the three constituent peoples — Bosnians, Serbs and Croatians.

We believe that the work of resolving key issues in the Bosnia and Herzegovina should be based on the internationaliy agreed framework consisting of the Security Council and the Peace Implementation Council.

**Mr. Wang Min** (China) (*spoke in Chinese*): I would like to thank High Representative Inzko for his briefing. The situation in Bosnia and Herzegovina has visibly improved since the signing of the Dayton Peace Agreement, 16 years ago.

At present, the situation in Bosnia and Herzegovina is generally stable. Progress has been made in security, constitutional reform, the rule of law and economic development. China welcomes those positive developments. However, we have also noted that Bosnia and Herzegovina is currently facing certain difficulties in its efforts to achieve stability and promote development.

China respects the independence, sovereignty, national unity and territorial integrity of Bosnia and Herzegovina, as well as the choice made by its people for their country's future. We hope that the various ethnic groups of Bosnia and Herzegovina will be guided by the well-being and long-term interests of their country to actively resolve their difference through dialogue, enhance mutual political trust and promote national reconciliation, so as to fully implement the Dayton Peace Agreement and to make further steady progress in the various areas concerned. China wishes to see the early establishment of a new and broadly representative Government in Bosnia and Herzegovina.

Bosnia and Herzegovina is a country of major importance in the Balkan region. Maintaining peace and stability in the country and promoting its economic and social development is in the common interest of the international community, especially the countries in that area. China hopes that High Representative Inzko will continue to maintain close contact with the international community, including the European Union, and to play a constructive role in furtherance of the Dayton Peace Agreement.

At the same time, however, we believe that the issues surrounding Bosnia and Herzegovina are extremely complex and sensitive. The international community must therefore adopt a prudent approach in dealing with the various issues concerning the country and be highly attentive to the various concerns and views of all parties.

China supports the extension of the presence of the European Union Force in Bosnia and Herzegovina for another term.

**Mr. Tatham** (United Kingdom): I would like to join previous speakers in welcoming High Representative Valentin Inzko to the Council. I thank him for his detailed, accurate and objective report (S/2011/682, annex).

The United Kingdom would like to express its gratitude to the High Representative for his ongoing efforts to uphold and ensure implementation of the Dayton Accords and to encourage reform in Bosnia and Herzegovina in what has been a difficult year. High Representative Inzko has a demanding job, and we appreciate the principled and committed manner in which he carries it out. Like others, I would like to acknowledge Bosnia and Herzegovina's contribution to the work of the Council since the beginning of 2010.

The United Kingdom shares the High Representative's serious concerns over the situation in Bosnia and Herzegovina. Some of my colleagues have pointed out that the situation in Bosnia and Herzegovina has been broadly stable. Perhaps so, but it has certainly not been moving forward.

More than a year after the elections held in October 2010, elected politicians are still failing to deliver an agreement on the formation of a new State-level Government, delays in the formation of the Council of Ministers are preventing the passing of legislation, and no agreement has yet been reached on a 2011 budget.

We also share High Representative Inzko's concerns over the intensification of nationalistic rhetoric and challenges to State institutions, the

negligible progress made in reforms for the European Union and NATO accession and the failure to fulfil any further elements of the 5+2 conditionality necessary for the closure of the Office of the High Representative.

We note with concern the details set out in the High Representative's report of actions taken by the Republika Srpska authorities, challenging Bosnia and Herzegovina's State-level institutions, competences and laws and challenging the High Representative's authority under the Dayton Agreement. Those actions simply serve to obstruct Bosnia and Herzegovina's progress in the reform process. They offer no benefit to any segment of the population of Bosnia and Herzegovina.

We call on political leaders from all parties and ethnic groups to refrain from using divisive rhetoric that undermines State sovereignty and the authority of State institutions.

It is clear that some politicians remain unwilling to put the needs of the country and its citizens above their own nationalist agendas. We therefore echo the calls of the Peace Implementation Council for Bosnia and Herzegovina's elected politicians to fulfil their obligations to the Bosnian people to form a stable Government capable of taking forward Bosnia and Herzegovina's essential reform agenda without delay.

Delivery of effective Government is the most basic of responsibilities owed by elected representatives to those who have voted for them. The prolonged stalemate over State-level Government formation strikes us as a disappointing neglect of that responsibility. We need to focus not just on formation of a State-level Government but also on establishing a clear reform momentum. Until reforms such as the adoption of State aid and State census laws are enacted, Bosnia and Herzegovina will continue to fall further behind its neighbours on the path towards European Union accession. Constitutional reforms will also be necessary to bring Bosnia and Herzegovina into line with its international legal obligations, meeting the minimum criteria for European Union membership, as well as providing a workable basis for the country's future.

Political stagnation is also having a negative impact on Bosnia and Herzegovina's economic situation, and the United Kingdom shares the High Representative's concerns over worrisome unemployment and investment figures. Recent decisions by rating agencies to downgrade Bosnia and Herzegovina's outlook provide a clear indication of how political statement damages economic confidence. That situation is made worse by endemic corruption at both the State and entity levels. We urge elected officials to take determined action to tackle all manifestations of corruption.

Bosnia and Herzegovina has had a difficult and tragic recent past. It is hard to overstate the suffering inflicted upon the people of Bosnia and Herzegovina during the period of conflict. But Bosnia and Herzegovina is a country that should now have hopeful prospects. It has a clear perspective for European Union and NATO membership, which provide a proven framework for peace, security and intensified regional cooperation. However, that perspective requires a commitment to reform and functionality that Bosnia and Herzegovina's politicians have yet to demonstrate. The United Kingdom urges Bosnia and Herzegovina's politicians to focus on delivery of the reform progress that will carry their country forward. Their responsibility is to realize the country's potential, not stifle it.

I referred a moment ago to the suffering experienced by the population of Bosnia and Herzegovina during the conflict of the 1990's. The arrest of Ratko Mladić earlier this year is a very welcome step. It brings a prospect of long-awaited justice for some of the victims and their families, which have suffered and continue to suffer. It was an important moment for the region and serves as a strong statement of the international community's commitment to international justice.

We warmly welcome the European Union's revised strategy for Bosnia and Herzegovina that was agreed in March. We offer our full support to the new EU Special Representative and the new EU Head of Delegation, Peter Sørensen. Special Representative Sorensen has made an excellent start in the role and we commend the positive and collaborative relationship that has been forged between him and High Representative Inzko.

The United Kingdom supports High Representative Inzko's assessment that EUFOR Operation Althea continues to reassure the Bosnian people of their security and it welcomes the agreement reached in October in the EU Foreign Affairs Council

to continue to fulfil EUFOR's executive mandate. In light of the ongoing political instability and stagnation, it is our belief that international safeguards against instability remain essential alongside the strong EU presence. We look forward to the Council's agreement to an extension of EUFOR later this week.

Finally, to pick up on a point made by some colleagues, this year's attacks on decisions made by the High Representative come against the backdrop of talk from within Bosnia and Herzegovina of pursuing legal action against former High Representatives. Any such attempt would, in our view, be neither warranted nor a responsible course of action, and we welcome German proposals for further discussion on the matter.

**Mr. Sangqu** (South Africa): South Africa welcomes the High Representative for Bosnia and Herzegovina to the Security Council, and we thank him for his comprehensive briefing.

South Africa expresses deep concern that it has been over a year since Bosnia and Herzegovina held its general elections and yet it has not been able to establish a State level Government. That situation holds the potential to undermine the unity, sovereignty and territorial integrity of the country. Bosnia and Herzegovina lies at the heart of Europe, and the lack of a State-level Government may damage peace and stability in the Balkans. We are also concerned that the lack of progress on that issue will continue to prevent the country from fulfilling important obligations and from completing the objectives of the five+two agenda. We therefore call for all the parties to find a way to resolve the deadlock on those matters.

It is our view that peace and stability in Bosnia and Herzegovina are dependent on a number of elements. It is important that all parties respect the rule of law and the international instruments that underlie the political structures in Bosnia and Herzegovina. It is crucial that the political leadership and the international presence remain focused on recognizing the balance brought about by the Dayton Agreement and the subsequent political structures. All efforts should be made to ensure that that balance be respected and maintained. This is also important in completing the process of forming a Government.

We are reminded of the fact that the Dayton Agreement is supposed to be replaced by a permanent constitution in Bosnia and Herzegovina. My delegation calls on all parties involved to begin once again to focus on constitutional reform, as the Constitution is an important instrument required for sustainable peace. None of the parties is served by actions that take the country backwards and away from constitutional reforms already agreed to and whose purpose is to establish strong and representative State structures that supersede all other structures.

We are also concerned that the parties have not instituted a sustainable way to achieve reform of the police service. However, it is noteworthy that the defence force has been successfully reformed.

In establishing lasting peace and stability in Bosnia and Herzegovina, there is significant need for dialogue between the parties, as no considerable progress can be made without constructive dialogue among the many ethnic groups and entities, as well as between the Bosnian structures and the High Representative.

Dialogue between all parties will also be essential for reform of the constitution as well as for the establishment of the State-level Government. A decision should also be made as to whether the office of the High Representative should be closed as soon as the outstanding objectives and conditions set by the Peace Implementation Council Steering Board in February 2008 are met. My delegation notes with concern that none of the outstanding objectives and conditions have been met during the reporting period. We therefore encourage all parties to engage actively in the completion of that process, which in turn is required by the High Representative to complete his work and for Bosnians to take full responsibility for their country.

We call on all parties not to act in a manner that will further undermine State institutions or cause further protraction of the current political dialogue. We therefore call for all parties to carefully decide whether the reopening of the liaison office in Sarajevo at the end of this year will not create further challenges.

Reconciliation should be the ultimate aim of the continued dialogue. An essential aspect for reconciliation is the commitment by all parties to fight impunity by bringing to justice those accused of committing war crimes. That process must be conducted in an impartial manner and using the judicial instruments agreed by the various parties. Reconciliation is jeopardized by provocative, divisive

nationalistic rhetoric and actions aimed at undermining the Bosnian State.

Regarding the EUFOR mandate in Bosnia and Herzegovina, South Africa supports its renewal for a further 12 months. We hope that the renewal of that mandate will assist the country in resolving all outstanding political issues.

In conclusion, my delegation wishes to highlight that political will is significant. We therefore encourage all parties in Bosnia and Herzegovina recommit themselves to full implementation of their obligations under the peace accords and agreements. South Africa remains dedicated to its task as a member of the Security Council to support Bosnia and Herzegovina in those efforts.

**Ms. Rice** (United States): Let me begin by welcoming High Representative Inzko back to the Security Council. We thank Ambassador Inzko for his comprehensive briefing and his service in support of the Dayton Peace Agreement.

The signing of the Dayton Accords helped Bosnia and Herzegovina end a terrible conflict and established a framework for a lasting peace. That framework has been the cornerstone of the country's stability for over 16 years. Today, Bosnia and Herzegovina has demonstrated that it is a strong and responsible member of the international community in a variety of ways, including through its tenure on the Security Council and with its continued participation in the international security force in Afghanistan. Bosnian leaders have shown that cooperation and consensus are possible on complicated matters of international peace and security. We remain hopeful that they will continue to work together to overcome their internal political difficulties. In order for the country to keep pace with progress elsewhere in the region, it must be able to function as a State that can deliver results for all its citizens, regardless of their ethnicity.

I would like to make three points in reaction to the report of the High Representative (see S/2011/682). First, the United States remains fully committed to the General Framework Agreement for Peace established by the Dayton Accords. We are concerned by continuing challenges to the Framework, including statements that undermine its constitutional arrangements and challenge Bosnia and Herzegovina's statehood. Such statements are unacceptable. Bosnian politicians should demonstrate their commitment to the Dayton Framework and their willingness to abide by the decisions of State institutions.

During our debate on this issue in May (S/PV.6529), we agreed with the High Representative's assessment that the conclusions adopted by the Republika Srpska National Assembly in April presented a serious challenge to the Framework. While we note today that the National Assembly repealed its decision to hold a referendum on the High Representative's decisions, we share Ambassador Inzko's concern that other controversial conclusions have not been repealed. The High Representative has our full support in condemning unwarranted and unlawful challenges to his authority. He will likewise have our full support in any steps he takes to uphold Dayton and to defend and preserve the sovereignty and territorial integrity of Bosnia and Herzegovina. As I stated in the May debate, we will continue to consider our own measures in support of Dayton and Bosnian State institutions, should any become necessary.

The United States also agrees that there is a need to safeguard the Office of the High Representative's efforts by protecting it and its staff from politically motivated legal actions. We recognize that the Dayton Accords provide for immunity only within Bosnia and Herzegovina and neighbouring countries, and believe that we must find mechanisms for providing protection against unwarranted court proceedings in other countries as well. We understand that some States are not in a position to adopt domestic legislation, as the United States has done, and we would welcome a more thorough discussion with partners on this issue.

Secondly, Bosnia and Herzegovina needs functioning political institutions. We agree with the High Representative's assessment that cooperation within the tripartite Presidency has improved, and we remain optimistic about the Presidency's continued and increasing coordination. However, 13 months after general elections, the country remains mired in a political stalemate. That stalemate has impeded formation of a new State-level Government, hampered progress on governmental reforms necessary for Euro-Atlantic integration, and contributed to credit-rating agencies downgrading the country's outlook.

To be considered for European Union candidate status, Bosnia and Herzegovina must pass laws on a census and State aid, as well as beginning a serious effort to comply with the ruling by the European Court

of Human Rights in the *Sejdić and Finci* case to provide equal rights for all citizens, including members of national minorities. To participate in NATO's membership action plan, Bosnia and Herzegovina must address State registration of defence properties. We welcome the fact that party leaders have engaged in a series of discussions on these issues, along with Government formation, and we call on those leaders to reach agreement that will result in concrete progress in these areas as soon as possible. While the United States looks forward to the day that the Office of the High Representative is no longer needed, the outstanding items on the 5+2 agenda must first be fulfilled, and we note the lack of progress made in this area during the reporting period.

My third point is that the United States supports the European Union's enhanced presence under its Special Representative, Peter Sørensen. We underscore how important it is that he and his office have the resources, the political support and the operational flexibility to guide Bosnia and Herzegovina on the path to European integration. We look forward to working closely with the Special Representative, and strongly endorse close coordination between the Offices of the Special Representative and the High Representative. We also note that the military presence of the European Union Force in Bosnia and Herzegovina (EUFOR) continues to contribute to a safe and secure environment and should be maintained. We therefore support renewal of the EUFOR mandate.

In closing, let me reiterate that the United States remains committed to working in close coordination with the High Representative, the European Union and partners on the Peace Implementation Council to support the Bosnian people on their path towards Euro-Atlantic integration and a peaceful and prosperous future.

**Mr. Hardeep Singh Puri** (India): I would like to join other colleagues in welcoming High Representative Valentin Inzko to the Security Council, and in thanking him for his comprehensive briefing. I would also like to place on record our appreciation for the Secretary-General's report on the situation in Bosnia and Herzegovina (see S/2011/682).

It is a matter of satisfaction that, during the period covered by the report, the Presidency of Bosnia and Herzegovina functioned with improved cooperation compared to its previous composition, and that a number of foreign-policy decisions were taken. It is also commendable that the Federation Government functioned well during the reporting period. We have noted that, in September, the leaders of the six main parties began negotiations on forming a new Government at the State level and adopting reforms aimed at progressing towards Euro-Atlantic integration. We hope that these negotiations will succeed in resolving the continuing political stalemate that has existed since the elections in October 2010, and pave the way for the formation of a new Government.

Bosnia and Herzegovina is a novel experiment in building a new nation from the rubble of the civil war that the people of the former Yugoslavia had to endure in the 1990s. It is never easy to build a multi-ethnic, multilingual, multicultural and multireligious country. The problems mentioned in the Secretary-General's report and by the High Representative in his briefing today are bound to be encountered on the path to building a nation inhabited by people of different faiths, ethnicities and languages. Our own experience over the past six decades has convinced us that although the path of building such a nation is long and arduous, the fruits are well worth the effort.

Solving the problems facing the Bosnian people therefore calls for patience, determination and mutual accommodation. Unilateral actions, mutual suspicion, rhetorical statements and violations of the General Framework Agreement for Peace will only vitiate the political and social atmosphere and delay achievement of the required goals. We would therefore urge the leadership of Bosnia and Herzegovina, as well as the international community, to persevere in spite of the occasional problems that may be encountered.

Through its continued presence in Bosnia and Herzegovina, the European Union Force in Bosnia and Herzegovina has played an important role in assuring the country's citizens safety and security even when the political situation has sometimes been tense. We therefore support the extension of its mandate.

In conclusion, I commend the work being done by the High Representative, Mr. Inzko, in assisting the people and leadership of Bosnia and Herzegovina in their nation-building endeavours. We fully support his efforts.

**The President**: I will now speak in my national capacity as representative of Portugal.

Once again, I welcome the High Representative, Ambassador Inzko, and convey to him Portugal's appreciation and support for his important and demanding work, and that of his Office, in the interests of peace and stability in Bosnia and Herzegovina. We also thank him for his very comprehensive recent report (see S/2011/682) and for today's presentation, both of which deserve our full support. I would also like to recall the appointment of the new European Union Special Representative and Head of Delegation, Peter Sørensen, and wish him all success in his challenging tasks.

Portugal naturally shares the views expressed in the statement to be made later by the observer of the European Union, but I would also like to emphasize some issues of particular concern to my country.

For the past 13 months, Bosnia and Herzegovina has been facing a serious political impasse that has affected the development of national policies as well as the country's progress towards integration into the European Union. For instance, the State budget for 2011 has not yet been adopted, and there is no global fiscal framework for 2011-2013. This worrying situation creates a deadlock on much-needed internal and external action, which is detrimental to Bosnia's social and economic development.

But, of course, the most important issue is that of the new Government. Efforts must be enhanced to reach an agreement so that a new Council of Ministers can be formed without delay. Portugal calls on Bosnian political leaders to fully address their responsibilities and to meet the legitimate expectations and needs of their people. That requires effective political will, inclusive dialogue and capacity for compromise.

However, Portugal believes that the challenges that Bosnia and Herzegovina faces are not insurmountable. The solutions naturally lie within Bosnia and Herzegovina. But, on the other hand, the international community must stay fully engaged with Bosnia and Herzegovina. This requires our steadfast commitment to ensure the operational capacity of existing structures within the framework of the General Framework Agreement for Peace, but also the ability to reflect on and respond to the specific needs of the country in an adequate, constructive and open-minded manner.

Portugal supports the renewal of the mandate of the European Union-led peacekeeping force (EUFOR) Operation Althea by the Security Council. We support the orientation of EUFOR's focus on capacity-building and training, while at the same time preserving the conditions for it to maintain a safe and secure environment in Bosnia and Herzegovina.

Before concluding, a sincere word of deep appreciation goes to our colleague, Ambassador Ivan Barbalić, and his team for their permanently constructive spirit and their excellent contribution to the work of the Council. We wish them well in the future.

I now resume my functions as President of the Council.

I give the floor to His Excellency Mr. Thomas Mayr-Harting.

**Mr. Mayr-Harting**: I have the honour to speak on behalf of the European Union (EU). The candidate countries Turkey, Croatia, the former Yugoslav Republic of Macedonia, Iceland and Montenegro; the country of the Stabilization and Association Process and potential candidate Albania; and the European Free Trade Association country Norway, member of the European Economic Area; as well as Ukraine and the Republic of Moldova, align themselves with this statement.

I would like to join other speakers in welcoming High Representative Valentin Inzko back to the Council. Let me also express our gratitude for his work and efforts undertaken during his time as European Union Special Representative for Bosnia and Herzegovina.

The political situation in Bosnia and Herzegovina continues to be difficult. We note with relief that the overall security situation has remained calm and stable for a long time now, but we are concerned by the political uncertainty and the economic outlook. A State-level Government has not yet been formed, one year after the elections of October 2010. While we welcome that discussions among political leaders intensified earlier this fall on the formation of the Council of Ministers, this has yet to translate into results. We therefore call on the political leadership of Bosnia and Herzegovina to form, through an inclusive process, a State-level Government as a matter of urgency.

In addition, we believe that the outstanding urgent and necessary reforms to achieve qualitative

steps forward on Bosnia and Herzegovina's path towards the European Union need to be addressed rapidly. In that regard, we encourage the Security Council to send a message of serious concern, urging all political actors to find common solutions within the General Framework Agreement for Peace.

The European Union believes that as a matter of priority and to ensure that the country does not fall behind the region on its path towards European integration, it is critical that obligations under the interim stabilization and association agreement are fulfilled. In that regard, Bosnia and Herzegovina needs to undertake a credible effort to bring its Constitution into compliance with the European Convention on Human Rights and to adopt a law on State aid that is compatible with EU acquis. Similarly, the adoption of a State-level census law is important.

Further progress will be needed to allow for a credible membership application. It is the prime responsibility of Bosnia and Herzegovina's political leaders to achieve concrete and tangible progress, including on the five objectives and two conditions for closure of the Office of the High Representative.

The European Union is strengthening its engagement in Bosnia and Herzegovina so as to support its progress towards European Union accession through a comprehensive approach and significant financial assistance and expertise. In that regard, the European Union has enhanced its political presence with the appointment of a new single European Union Representative, Mr. Peter Sørensen, who has the lead in supporting Bosnia and Herzegovina in EU-related matters, including through the use of a broad and balanced toolbox.

In addition, the European Union maintains two crisis management missions on the ground: first, the European Union Police Mission, which will be closed by the end of June 2012 and whose remaining strategic tasks will be transferred to the European Union Special Representative; and secondly, the EU-led force (EUFOR) Operation Althea, which remains an important element of the EU's overall strategy for Bosnia and Herzegovina. As our Foreign Ministers reaffirmed on 10 October, the European Union is ready to continue at this stage an executive military role to support Bosnia and Herzegovina's efforts to maintain a safe and secure environment under a renewed United Nations mandate.

The main effort of Operation Althea will be in capacity-building and training, while maintaining situational awareness and a credible reserve, in case called upon to support EUFOR efforts to maintain or restore a safe and secure environment.

As regards the its overall strategy for Bosnia and Herzegovina, the European Union looks forward to the discussions with the international community on the reconfiguration of the international presence, including its downsizing and the possible relocation of the Office of the High Representative in the appropriate forum. The European Union regularly encourages Bosnia and Herzegovina's political representatives to act with a greater spirit of compromise, to step up consultations and to work for the long-term interests of the country. We also stand fully behind the authority of the High Representative and welcome the close cooperation between him and the new European Union Special Representative.

Moreover, we underline once more our unequivocal commitment to the territorial integrity and sovereignty of Bosnia and Herzegovina as a sovereign and united country. We urge all to refrain from divisive rhetoric and actions that would harm the interests of the citizens.

Sixteen years after the signature of the Dayton-Paris Peace Agreements, Bosnia and Herzegovina's citizens deserve a qualitative step forward by their country on the path towards European integration. On 12 October, the European Commission adopted its 2011 enlargement package. According to its findings, Bosnia and Herzegovina has made only limited progress in addressing EU-related issues. We reiterate our appeal to the political leaders to accelerate the pace of the reforms in all areas, to put Bosnia and Herzegovina firmly on the way towards the European Union.

**The President**: I give the floor to the Permanent Representative of Serbia.

**Mr. Starčević** (Serbia): We read with attention the report submitted by His Excellency Mr. Valentin Inzko, the High Representative for Bosnia and Herzegovina (see S/2011/682, annex). We also listened attentively to his statement this morning. We wished that some formulations in the report and the briefing had been perhaps more balanced with regard to the positions of the two entities. Equally, perhaps not every expression of the entities' views on some existing

problems can be understood as antagonistic rhetoric. That is certainly not the monopoly of either part of Bosnia and Herzegovina. Also, the positive developments of the kind mentioned by the Permanent Representative of Bosnia and Herzegovina perhaps merited more attention, as we must retain a positive outlook on the future of that country.

I am certain that Mr. Inzko will take our remarks in good faith, as they do not detract from our basic appreciation for his work in Bosnia and Herzegovina.

Allow me to express once again the consistent and principled policy of the Republic of Serbia in support of preserving the integrity of Bosnia and Herzegovina, lasting stabilization of its internal situation and achieving a sustainable solution, in the spirit of European standards, that is acceptable to each of its three constitutive peoples.

As one of the signatories and guarantors of the Dayton Peace Accords, Serbia considers that Bosnia and Herzegovina should function more efficiently than has been the case so far and believes that this can be achieved only through substantive and legitimate decisions of the democratically elected representatives of citizens, all three constituent peoples and both entities.

We fully support the stability, territorial integrity and sovereignty of Bosnia and Herzegovina and are completely aware that every decision on changes to the internal system defined by the Dayton Accords must come as a result of complete consensus, in order to ensure political efficacy and stability. Only the institutions of Bosnia and Herzegovina and the citizens of that country can define its policy, and there are no powers on the basis of which these functions could be taken over by international presences. The history of the Balkans teaches us that impositions and majority domination cannot bring the needed and expected results.

Serbia seeks the closest good-neighbourly and friendly relations with Bosnia and Herzegovina. Its orientation towards the advancement of relations with Bosnia and Herzegovina was confirmed also through constructive support during the negotiations on constitutional reforms. We welcome the initiation of a structural dialogue between the European Union (EU) and Bosnia and Herzegovina on judiciary reform, as well as the strengthening of the presence of the European Commission through the unification of the posts of Head of Delegation and Special Representative of the European Union.

We wish Bosnia and Herzegovina every success on its road towards the European Union. We regard the decision taken by the European Union on the liberalization of the visa regime as a strategically important signal for the European future of Bosnia and Herzegovina. We consider that additional, concrete encouragements from the European Union are necessary to further stabilize the situation in Bosnia and Herzegovina, bearing in mind that EU membership is in the common interest of all in Bosnia and Herzegovina.

We believe that the international community should treat relations between the three constitutive peoples in Bosnia and Herzegovina with great care and on the basis of respect for their mutual interests. Rather than calling into question the integrity of the country, every solution in Bosnia and Herzegovina should be such as to contribute to its peace and stability. Serbia encourages all parties in Bosnia and Herzegovina to make additional efforts to reach sustainable solutions to all open questions.

Serbia is of the opinion that the process of closing the Office of the High Representative and of cancelling the so-called Bonn powers should be embarked upon because the legitimately elected representatives of all peoples and entities have the ability and capacity to assume responsibility for the independent conduct of the affairs of State and the initiation of reform processes.

Serbia is fully committed to continuing to act, through cooperation with Bosnia and Herzegovina and other neighbouring countries, towards reconciliation in the interest of the achievement of lasting stability in the region.

**The President**: I give the floor to the representative of Croatia.

**Mr. Vilović** (Croatia): At the outset, allow me to extend my welcome to His Excellency Mr. Valentin Inzko, High Representative and Special Representative of the European Union (EU), and to thank him for his briefing and report (see S/2011/682). Croatia aligns itself with the statement of the EU, but allow me to deliver a statement in my national capacity as well.

Historically, the EU enlargement process has shown itself to be the most effective political

instrument for bringing peace, stability and prosperity to the European continent. Today, Croatia's example testifies to the fact that the perspective of EU and NATO membership brings to a national political life a strong motivation to find the way forward. The only region that is still far from the real benefits of the enlargement process is the Western Balkans. Croatia has consistently advocated membership in the European Union and NATO as the best framework for stabilizing its South-East European neighbours. We will continue to provide our political and technical support in that regard to all the countries of the region, especially Bosnia and Herzegovina.

For Bosnia and Herzegovina, the Dayton Peace Agreement brought peace but not stability or prosperity. The country today yearns for a more functional political system. This change must come from within and must not be introduced at the expense of democracy. Bosnia and Herzegovina is a country of two entities and three constitutive peoples. The State itself can be strengthened only by respecting the equality of the three peoples in all possible aspects of life. At the highest political level this requires the legitimate representatives of each people — those who carry the majority of votes of its people — to be acknowledged as such. Our frustration with the inefficiency of the political system of Bosnia and Herzegovina makes it tempting to forget this basic democratic principle, but as the Arab Spring has demonstrated lately, building and cherishing democracy is the only way forward in the search for long-term stability.

We are today faced with two grave challenges to Bosnia and Herzegovina. One is the rhetorical flirtation with the breakup of the country. The international community and all countries of the region must send a clear message that such rhetoric is unacceptable. The other serious challenge is the position of Croats in Bosnia and Herzegovina. As recent history has shown, they — as the least populous of the three peoples — have serious difficulties in electing their representatives within the existing system. When addressing this problem, we should not forget that citizens' identification with their country is in strong correlation with its democratic process. We must therefore make sure that the democratic will of Croats in Bosnia and Herzegovina, as the least populous people, is fully respected.

Our emphasis today on Croats in Bosnia and Herzegovina is not based on ethnicity. It is based on our firm belief that the unity and stability of Bosnia and Herzegovina depend primarily on the actual equality of Bosniaks, Croats and Serbs. Treating the smallest and the most vulnerable constitutive people as a minority equals giving up on the viability and unity of Bosnia and Herzegovina. In a country in which division into two entities represents a real obstacle to inner integration, reducing the number of constitutive peoples — be it de jure or de facto — could lead to the breakup of the country that would create a scenario with dire consequences.

Instead of such an approach, we should support the democratic process itself, bearing in mind that democracy in Bosnia and Herzegovina starts with ensuring equal rights for all three constitutive peoples. Democracy brought stability to the countries of the Western hemisphere, and it will bring stability to Bosnia and Herzegovina, regardless of all the complexity it implies there.

Croatia is especially eager to see Bosnia and Herzegovina embark on the process of integration into the EU and NATO. We are more than ready to share our unique experience with the leadership and institutions of Bosnia and Herzegovina, regardless of their ethnicity. We know how demanding and challenging these processes are and how detrimental any sort of democratic deficit can be at every step of the way. Any doubt about whether the EU-based reforms will be beneficial to all three peoples equally may be fatal to the process. We all agree that the present state of internal integration is not particularly conducive to Bosnia and Herzegovina's successful accession into the EU or NATO. That fact should not be a reason for giving up on the accession process; we should rather consider a new tailor-made accession process designed specifically for Bosnia and Herzegovina.

Some believe that we should move away from the so-called ethnic approach and that Bosnia and Herzegovina can move forward only if ethnicity — that is, nationality — gives way to common citizenship. Although this at first glance may seem to be a solution to many of Bosnia and Herzegovina's problems, it is not. However seductive the idea of quickly reaching a functional State on that base may be, we must not forget that ethnic-national affiliation is a very strong

component of individual identities in that country, and perhaps even more so than in most European countries.

We should not underestimate or disregard as antiquated the legal/constitutional and deeply-rooted political traditions of Yugoslav federalism, which was founded on the rights of constituent peoples. It is realistic to think that successful affirmation of the concept of a constituent citizen achievable through prior affirmation of the concept of constituent peoples. Bypassing the issue of ethnic and national identity, instead of solving it, would shortly get us back to the beginning and would constitute a heavy burden in the process of Euro-Atlantic integration.

Croatia thus advocates an accession and integration process into the EU and NATO that would link together, under well-defined and tight conditionality, national institution-building, democratic practices and a free market economy. However, first and foremost, there should be constitutional reform, which would assure all three peoples that their credible voices are heard and respected. Only a political leadership, be it at the State, the entity or the cantonal level, accountable to all three constitutive peoples can lead Bosnia and Herzegovina through the long-awaited reforms to a better future.

**The President**: There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

*The meeting rose at noon.*